



CV-6253 (CJS) (JWF) (W.D.N.Y.), which settlement will encompass the claims asserted in the instant action.<sup>2</sup>

The Parties further request the continuation of all forthcoming case management deadlines and conferences, including deadlines related to Defendant's Motion To Dismiss Plaintiff's Amended Complaint Pursuant To Fed. R. Civ. P. 12(b)(6) (Docket No. 12) and Plaintiff's Motion To Remand To State Court (Docket No. 19). The Parties further request a stay of these and any other pending motions.

Should the Parties be unable to finalize formal settlement papers and file a stipulation of dismissal with this Court on or before January 31, 2011, the Parties will (i) meet and confer to discuss the status of the instant action, including case management deadlines, and (ii) report to this Court by February 7, 2011 on proposed case management deadlines for the events listed above.

### **CONCLUSION**

For all the foregoing reasons, the Parties respectfully request that their Joint Motion to Stay Case Pending Finalization of Settlement Documents be granted.

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<sup>2</sup> Plaintiffs are also named plaintiffs in the related *Barrus* action.

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Respectfully submitted,

/s Jon Rehm

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